

MEMORANDUM

TO: Water Rights File 47-16411
FROM: Daniel A. Nelson
DATE: June 15, 2011
SUBJECT: Gary Burkett Water Supply Bank Lease Application

SUMMARY

Gary Burkett filed a water bank lease to place all of water right 47-16411 into the Water Supply Bank. This water right was decreed on August 5, 2011 for 0.25 cfs to irrigate 12.6 acres. Although this water right is within the delivery area of the Twin Falls Canal Company area, there is no information to suggest that this water right is supplemental to Twin Falls Canal Company water.

AUTHORITY TO FILE

The tax lot information and the water right show Gary Burkett as the owner of the property and the water right. Therefore, Mr. Burkett should have the authority to sign this application.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that the sufficiency of water supply would be an issue for this water bank lease.

INJURY

There is nothing to suggest that putting these water rights into the water bank would cause injury to other water users.

ENLARGEMENT

No enlargement is being proposed. If this water right is rented, a closer inspection of historic consumptive use of this industrial use may be needed to rent this water right.

BENEFICIAL USE

The application proposes beneficial use consistent with conservation of water resources in Idaho.

LOCAL PUBLIC INTEREST

There is nothing to suggest that these are not in the local public interest. From the comments on the water right, it appears as though placing this water right into the Water Supply Bank could actually avoid a potential conflict with an upstream water user, who seems to be difficult to work with in getting water to the Burkett property.

WATER DISTRICT

This water right appears to be in the Water District 01, but Water District 01 only regulates water in the Snake River and Tributary to the Snake River above Milner Dam. Therefore, there is no water district for the Cedar Draw described in this water right.

RECOMMENDATION

I recommend that all of water right 47-16411 be lease to the water supply bank with a term of 3/15/2011 to 3/15/2016. A statement will need to be included with the water bank lease documentation that clearly states that the ground described in the water bank lease may not be another water source without express written approval from the Department.